

REMARKS

After a restriction withdrawing the method claims and after a species restriction on the apparatus, the remaining apparatus Claims 1-6, 11, 18-19, 21, 25-26, 35-36 and 39 were rejected on various grounds, including §§ 112, 102 and 103. The claims are amended. Reconsideration and withdrawal of the claims is respectfully requested.

Restriction

Method Claims 9, 13, 16, 17, 20, 22-24, 27-34 and 37 were withdrawn from examination, without traverse.

Claim Objections

Claim 26 and 36 was objected to as depending from the wrong claims. Claim 26 is amended to depend from Claim 19. Claim 35 is amended to depend from Claim 35.

Section 112 Rejections

Claim 25 is amended to refer to "the depending support members" which have antecedent basis in Claim 1..

Claim 35 is amended to provide antecedent basis for the base.

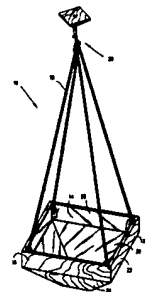
Claim 36 is revise to define lower frame means rather than lower "support" means.

Claim 39 is amended to define upper frame means for fastening to the appliance during use of the platform. This provides antecedent basis and also clarifies that the claim defines a sub-combination for use with an appliance but with the appliance not being claimed.

As the §112 issues are believed resolved by the above clarifications, reconsideration and withdrawal of the Section 112 rejections is respectfully requested.

Section 102 Rejections

Claims 1-6, 11, 19, 21, 35-36 and 38 were rejected as anticipated by Patent 6,758,010 to Wright, which discloses a display case as shown to the right. Wright's display case is for "displaying an article, for example, a plant, flowers or the like." Col. 1, lines 1-3. The display uses a composite container having an inner shell 14 that is waterproof and an outer shell 16 formed of a decorative material. Col. 3, lines 54-



62. Alternatively, the display could be a single, waterproof, plastic part, in which case the plastic is painted or provided with decorative patterns. Col. 5, lines 46-52.

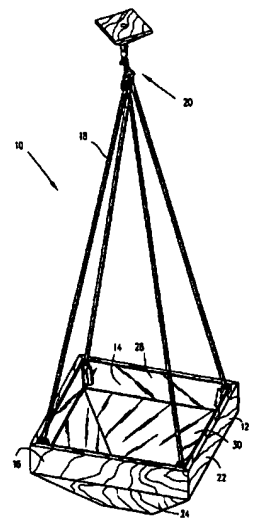
Each Independent claim defines a waterproof container, and a base strong enough to support the weight of an appliance, with the application describing such appliances as water heaters, solar storage tanks and boilers. App. ¶2. These appliances are heavy, and the added weight of the water carried in these appliances is even heavier, so that the weight of these appliances can reach and sometimes exceed 500 pounds. App. ¶76. When the claim term “appliance” is construed in light of the specification it becomes clear that the appliance (e.g., water heater, boiler, solar storage tank etc.) is heavy, weighing about 500 pounds or more. This heavy appliance is believed implicit in the claims that define a platform for an “appliance” as described in the application. But in order to clarify matters the independent claims are amended to make explicit that which was implicit.

The claims define a base strong enough to support the appliance when the base is suspended. Cl. 1, 19 (“the base having sufficient strength to support the appliance thereon when the lower frame is suspended from the support members and the entire weight of the appliance is carried only by the base”); Cl. 35 (“lower frame means for supporting a base on which the appliance rests during use of the suspended platform”).

When the base must support the weight of this appliance as defined in the claims, Wright’s lightweight plant and flower display apparatus does not meet the claim requirements. This becomes especially clear when Wright describes the flexible lines 18 as “preferably formed of a decorative textile string material forming part of the suspension system.” Col. 4, lines 54-56. Such decorative textile string material cannot be expected to support the claimed appliance.

Further, Wright’s support lines have metal keepers 80 crimped to the end of the lines as shown in Fig. 4. Col. 4, lines 58-62. Crimped keepers 80 may be suitable for light loads, but are likely to pull off under heavy tension loads thus further indicating Wright is not intended to support appliances as defined in the claim.

Reconsideration and withdrawal of the Section 102 rejection on Wright is thus respectfully requested.



Section 103 Rejections

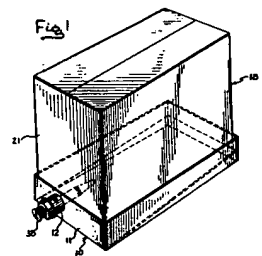
Claims 18 and 26 were rejected as obvious over Wright in view of either Scholle or Latham. Claims 18 and 26 define a drain, and either Scholle or Latham are cited for the claimed drains. But for an obviousness rejection there must be a proper suggestion to combine these references or to modify them before combining them. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991), M.P.E.P. ' 2143.

The stated reason for combining Wright with either of these two patents is “for the purpose of providing a means for draining fluid collected in the platform due to condensation disposed on the **appliance.**” Office Action at 6 (emphasis added).

It is improper to refer to the claims as a roadmap to select and features and combine them to achieve the claimed combination. *Orthopedic Equip. Co. v. U.S.*, 702 F.2d 1005, 1012 (Fed. Cir. 1983). (“It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve [a desired result].”).

Here, neither Wright, nor Scholle nor Latham mention or suggest condensation, and none of them mention an “appliance.” But each of the pending claims defines a support for an “appliance.” In fact, the only mention of an appliance is in the claims, yet it is improper to refer to the claims as a basis for picking and choosing the prior art, or for combining the prior art. For this reason alone, the obviousness rejection should be withdrawn.

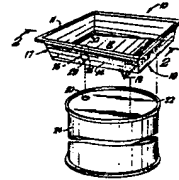
Further, Scholle discloses a tray with an inclined bottom to hold a liquid-filled container 18, with a push activated spigot 35 fastened to the tray and container to dispense fluid from the container. Scholle is used to dispense milk, water and fruit juices. Col. 1, lines 13-17. The inclined tray causes the milk, etc. to flow toward the spigot 35. Scholle provides no suggestion to use the tray and spigot separately, or to use it with any other device. Scholle provides no suggestion to modify the “watertight” display of Wright.



Indeed, Scholle’s spigot would make the display visually undesirable contrary to the teachings of Wright, which uses a two part, composite support “enabling the outer shell 16 to be formed of decorative material.” Col. 3, lines 57-60. Wright’s construction affords “an aesthetically pleasing appearance.” Col. 1, lines 33-34. Adding Scholle’s drain spigot onto Wright is contrary to

the stated desire for a decorative and aesthetically pleasing outer container. There is no proper suggestion to modify and combine these references.

Latham does not cure these defects. Latham discloses an oil drain pan with an inclined bottom to direct used oil to a drain that is placed over an opening in an oil collection drum. Latham also has a tilting support member to further incline the bottom toward the drain.



But Latham has no suggestion to place its oil drain into the bottom of Wright's watertight display. There is no identified need to drain Wright's display. Indeed, the watertight display in Wright teaches against allowing any liquid to drain on persons below the display. Thus, there is no suggestion to combine Latham's oil drain with Wright's suspended display.

Finally, Wright specifies a watertight support, and thus teaches against a drain which allows water to pass. Nothing in either Scholle or Latham thus provides a motivation to destroy this watertight aspect of Wright's display.

Reconsideration and withdrawal of the rejection of Claims 18 and 36 is respectfully requested.

As generic claims are believed allowable, withdrawal of the species restriction is respectfully requested.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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